

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 30, 2004

DIVISION THREE

B174779 People (Not for Publication)
v.
Johnson

The judgment is modified by striking appellant's conviction for assault as a lesser included offense of count four and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B171509 People (Not for Publication)
v.
Mouradian

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B166028 Jill A. Cohen, et al. (Not for Publication)
 v.
 Phillip Isaac Myer

The judgment is reversed. Appellant(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B159239 Universal Savings Bank (Not for Publication)
 v.
 Bankers Standard Insurance Company et al.

The judgment is affirmed as to counts one, two, and four, and reversed as to counts three, five, and six. Each party is to bear its own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B164162 Sylvia Payaslyan, et al. (Not for Publication)
 v.
 The May Department Stres Company, etc.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

December 30, 2004 (Continued)

DIVISION THREE (Continued)

B172152 People (Not for Publication)
v.
Agarpao

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B168849 City of Carson (Certified for Partial Publication)
v.
City of La Mirada, et al.

The judgment is reversed. Appellant(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

December 30, 2004 (Continued)

DIVISION THREE (Continued)

B176968 Joel G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B171776 People (Not for Publication)
v.
Matamoros

The judgment is reversed as to the sentence only, and the matter is remanded for the court to conduct a new sentencing determination pursuant to *Blakely v. Washington*, *supra*, 542 U.S. _____. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

DIVISION EIGHT

B170716 Lacy Street Hospitality Service, Inc. (Certified for Publication)
v.
City Of Los Angeles

We reverse and remand to the city council for a hearing that satisfied appellant Lacy Street Hospitality Service's due process right to be heard. The parties are to bear their own costs.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B177676 Cesar G. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. County Department Of Children & Family Service et al., r.p.i.)

The petition for writ of mandate is denied on the merits, and the order to show cause is discharged. The opinion is final forthwith as to this court under rule 24(b)(3) of the California Rules of Court.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B173563 Los Angeles County, D.C.S. (Not for Publication)
v.
Jose B.
In re Daisy B. et al., Persons Coming Under the Juvenile Court Law.

The orders of the juvenile court terminating jurisdiction and issue certain exit order regarding Daisy B. are affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B165797 People (Not for Publication)
v.
Peter Esquibel

The case is remanded to the trial court for resentencing in light of the Blakely error. The trial court is ordered to delete the section 12022.7 enhancement of appellant's sentence. In all other respects, the judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B166906 The People (Certified for Publication)
v.
Amwest Surety Insurance Company

The order of February 11, 2003, denying the surety's motion to set aside the September 12, 2000 order entering summary judgment on the bond, is reversed and the cause is remanded with directions to the trial court to vacate its order and enter a new order granting the motion and discharging the forfeiture. Amwest Surety Insurance Company is entitled to recover its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.